

REMARKS

In an Office Action dated September 30, 2008, the Examiner rejected claim 1 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Accordingly, Applicant is amending claim 1 to delete the clause “and determining whether said called party has previously screened calls from said calling party” and substituting the clause “responsive to determining that said called party does not allow calls having characteristics of said call to be completed, adding said calling party to a list of calling parties from which said called party is not willing to accept SMS calls”. This is described in the specification on page 9, lines 6-9:

When a wireless subscriber receives any unwanted SMS/MMS message, the subscriber can forward the SMS/MMS message to a network address that will automatically add the sender's identity to the list of sources which will be blocked in the future.

The result is that when a called party screens calls from a calling party, future calls from that calling party will be blocked.

The Examiner rejected claim 13 under 35 U.S.C. 112, second paragraph. Responsive to the grounds for this rejection Applicant is amending the preamble to recite “Apparatus for screening SMS calls, comprising:”; and is amending the first two clauses to recite “an SMS center for serving a calling party of an SMS call, comprising means...;” and is amending the second clause of claim 13 to recite “an SMS center for serving a called party of said call, comprising means...”

The Examiner rejected claims 1, 6-7, 9-10, 13 and 21 under 35 U.S.C. 103(a) as being unpatentable over Patent Publication US 20003/0091170 A1 (McCann) in view of U.S. Patent 7,116,972 (Zhang). Applicant respectfully disagrees with the grounds for this rejection, and will concentrate primarily on the two remaining independent claims, claims 1 and 13. (Claim 21 is being canceled as being redundant in view of the amendments of claim 1.)

McCann relates to methods of “screening” SMS calls to ensure that there is enough credit available for originating prepaid service or terminating prepaid service to allow an SMS call to be completed. The Examiner admitted that McCann does not specifically teach determining whether an SMS center for serving a called party allows calls having characteristics of the call to be completed and determining (in the revised

language of claim 1) whether the called party has previously rejected calls from the calling party.

Zhang teaches blocking an SMS call based on characteristics of the call. However, Zhang teaches that the control of whether the SMS call is completed or blocked resides in the called customer's terminal.

A subscriber can control the handling of the placed call at the telephone 104.  
[US 7,116,972 B1, column 3, lines 16-17]

Telephone 104 is clearly the called station. As stated in column 3, lines 33-35:

In the exemplary embodiment, call information and the call handling choices may be transmitted to the telephone 104....  
[US 7,116,972 B1, column 3, lines 33-35]

Thus, Zhang does not teach “determining in said SMS center whether said called party allows calls having characteristics of said call to be completed” [emphasis added] nor does Zhang teach “responsive to determining that said called party does not allow calls having characteristics of said call to be completed, adding said calling party to a list of calling parties from which said called party is not willing to accept SMS calls”.

This is an important distinction. For example, Applicant's arrangement allows calls with newly discovered undesirable characteristics to be broadly rejected by changing control data under the control of the carrier of the SMS calls.

For the Examiner's convenience, Applicant is reproducing the cited passage from Zhang, column 3, lines 15-35:

FIG. 1A illustrates the telephone 100 placing a call to the telephone 104 over the carrier network 108. A subscriber can control the handling of the placed call at the telephone 104. Corresponding to the subscriber's selected control, the WIN network 110 appropriately handles the call.

Referring to FIG. 1B, when a call is placed from the telephone 100 to the telephone 104 over the carrier network 108, the carrier network 108 indicates to the telephone 104 that there is an incoming call. Moreover, the carrier network 108 may prompt the subscriber with call information and a list of call handling choices, described below. Call information may include the calling party's name, the calling party's number, and/or any other type of useful information that might describe the calling party to the subscriber. The list of call handling choices may include one or more choices such as accepting the placed call from the calling party, forwarding the placed call to a voice mail box, forwarding the placed call to a third party, and/or blocking the placed call.

In the exemplary embodiment, call information and the call handling choices may be transmitted to the telephone 104 in one or more short message service (SMS) messages.

[US 7,116,972 B1, column 3, lines 15-35]

Note that there is nothing in this passage to indicate that the destination number of the called party can be found in a list of numbers to which the calling party may not complete calls (grounds for rejection of claim 6).

Accordingly, Applicant respectfully submits that the subject matter of McCann and Zhang taken together does not teach the subject matter of claim 1, especially the last two clauses. Nor does it teach the subject matter of claim 6.

The grounds for rejection of claim 13 are essentially the same as the grounds for the rejection of claim 1 which, as has been argued above, should be held allowable.

Accordingly, Applicant respectfully submits that the subject matter of independent claims 1 and 13 should be held allowable and that therefore the subject matter of claims 2-11 and 14-20 should be held allowable as being dependent from an allowable dependent claim.

Applicant is adding new claims 22 and 23, dependent from claim 1 and 13, respectively, to recite the subject matter presented in the specification on page 9, line 9 "This capability can be activated or deactivated by the subscribers". The capability referred to is the capability of automatically adding the identity of a sender who has transmitted an unwanted SMS message to the list of sources which will be blocked in the future. Applicant submits that these two claims should be held allowable as being dependent from an allowable independent claim and further as representing different subject matter not taught or suggested by the cited prior art.


Accordingly, Applicant respectfully requests that the Examiner reconsider the grounds for rejection of the application, allow the application including claims 1-11, 13-20 and 22-23, and pass the application to issue.

If the Examiner feels that a voice or fax contact would help to advance the

prosecution of this application, he is invited to contact Applicant's attorney at telephone number 630 469-0487.

Respectfully submitted

Y. Cai

A handwritten signature in cursive script, appearing to read "Werner Ulrich".

by Werner Ulrich  
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